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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/344,323 | 06/24/1999 | RICHARD G. HARTMANN | EN998070 | 8931 |

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EXAMINER

NGUYEN, HAI V

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2142 | 15 |

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|-----------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/344,323 | HARTMANN ET AL. |
| Examiner | Art Unit | |
| Hai V. Nguyen | 2142 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 December 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to the communication received on 17 December 2002.
2. Claims 1-17 are presented for examination.

Response to Arguments

3. Applicant's arguments and amendments filed on 17 December 2002 have been fully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground(s) of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., responsive to said request, serving to said data file header information including data file data type and size; responsive to said browser determining that said data file data type and size are in accordance with said request for data, receiving from said browser a GET request; and thereafter responsive to said get request, serving to said browser data corresponding to said header) to the claims which significantly affected the scope thereof.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2142

103(a)

5. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being unpatentable over **Albers et al. (US 6,223,188 B1), Tso et al. (US 6,185,625 B1)** in view of **Toga (US 5,987,504)**.

6. As to claim 1, Albers, Presentation Of Link Information As an Aid TO Hypermedia Navigation, discloses a method for operating a server responsive to a request for data from a client browser specifying data type and size, comprising the steps of: receiving from said browser a HEAD request for the header of a data file (Albers, col. 1, lines 41-67; col. 2, lines 1-51; col. 5, lines 6-54); responsive to said HEAD request, serving to said browser data file header information including data type and data size (Albers, col. 1, lines 41-65; col. 5, lines 6-54); However, Albers does not explicitly disclose responsive to said browser determining that said data file data type and size are in accordance with said request for data, receiving from said browser a GET request; and thereafter responsive to said GET request, serving to said browser data corresponding to said header. Thus, the artisan would have been motivated to look into the related network arts for potential methods and systems for implementing the servicing the browser user's requests for resources or objects over the Internet.

In the same field of endeavor, Tso, related Scaling Proxy Server Sending To The client A Graphic User Interface For Establishing Object Encoding Preferences After Receiving The Client's Request For The Object, discloses in an analogous art internet data access. Tso discloses the receiving the object request from the client and downloading a graphic user interface to the client in response to receiving the object request, the graphic user interface comprising a set of automatically executing

instructions for requesting a scaling preference from a user of the client, receiving response from a user, and transmitting the user response to the server (Tso, col. 22, lines 2-8). Tso suggests that the system enables users to dynamically influence the trade-off between quality of content and download speed (Tso, abstract, col. 11, lines 43-65). Albers also suggests that in the case of hypermedia documents on the WWW, the system retrieves the information regarding the data file's size, its file type by performing httpd HEAD request; this request is similar to the request usually made to retrieve the hypermedia document to which the link points; however, instead of retrieving the entire hypermedia document, only basic information stored in the hypermedia document's header is returned; this saves the user the time and resources that actually downloading the hypermedia file would entail thus reducing network traffic (Albers, col. 5, lines 24-39).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Albers teachings of using HEAD request to efficiently provide information on hypermedia links without forcing the user actually download the information represented by those links (Albers, col. 2, lines 11-20) with the teachings of Tso, for the purpose of actively controlling the tradeoff between download time and content quality (Tso, col. 11, lines 44-65) and reducing network traffic and users' time and resources (Albers, col. 5, lines 24-39). However, Albers-Tso does not explicitly discloses responsive to said browser determining that said data file data type and size are in accordance with said request for data.

In the same field of endeavor, Toga, Method And Apparatus For Delivering Data,

discloses in analogous art Internet access, Toga discloses under the HTTP protocol, server 50 can answer the request of client 40 with a response message 300 in Fig. 5 which include a response header 310. Response header 310 includes ... a content-type filed 315 indicates the MIME content type, typically in a type/subtype format.... A content-length filed 317 indicates the length of requested file (e.g., 1.25 Megabytes) (Toga, Fig. 4, item 212b; Fig. 5, items 315, 317; col. 3, lines 23-67; col. 4, lines 1-57).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Toga's teachings of a system and method for delivering data with the teachings of Albers-Tso, for the purpose of delaying the transfer of information between server and client (Toga, col. 1, lines 45-62). Toga suggests that several advantages are realized in transferring File.X in such a manner. First, if a network is currently experiencing excessive use, the requested file can be sent to client when network is experiencing lower usage... Second, if server is experiencing a relatively large number of accesses, it may be efficient to have the file sent at a later time when usage of the resources at server has been reduced... Third, if the number of transmission errors per unit of time perceived by server exceeds a predetermined threshold, it may be an indication that there is an appreciable amount of traffic on the networks....If network includes relatively expensive ISDN lines, than it would be more economical to send the file to client over network when usage is lower and bandwidth is higher (Toga, col.2, lines 61-76; col. 3, lines 1-23).

7. As to claim 2, Albers-Tso-Toga discloses a method for operating a client browser for requesting a data file from a server, comprising the steps of: receiving data

Art Unit: 2142

parameters including data type and size from a browser user (Albers, col. 1, lines 41-67; col. 2, lines 1-51); communicating to said server a HEAD request; receiving from said server in response to said HEAD request a data file header describing data file parameters including data type and size (Toga, Fig. 4, item 212b; Fig. 5, items 315, 317; col. 4, lines 21-57); determining if said data file parameters are within said user data parameters; and if so communicating to said server a GET request requesting said server to serve said data file (Albers, Figs. 1-10; col. 3, lines 21-67; cols. 4-7, lines 1-67; col. 8, lines 1-40; Toga, col. 2, lines 25-67; col. 3, lines 1-67; col. 4, lines 1-20).

8. As to claim 3, Albers-Tso-Toga discloses said data parameters define the data type size acceptable to said user and wherein said data file parameters include the data content type and data content size of said data file (Albers, col. 1, lines 34-67; col. 2, lines 1-55).

9. As to claim 4, Albers-Tso-Toga discloses said data file comprises a plurality of data files including one or more inline documents (Tso discloses that another possibility is that enabled network 3 includes one or more add-ins 23 specifically configured to render or playback particular new MIME type generated by remote scaling server 1. Such add-ins 23 are beneficial in that they generally may be configured to permit a user to click on a specific object to obtain a different quality representation and are easy upgradeable (Tso, col. 14, lines 41-55; Albers, col. 2, lines 20-55).

10. As to claim 5, Albers-Tso-Toga discloses each of said plurality of data files is of a type selected from the set of data file types including image data, video data, audio

Art Unit: 2142

data, and text data (Tso, col. 2, lines 35-39; col. 6, lines 32-36; Albers, col. 14, lines 35-60).

11. As to claim 6, Albers-Tso-Toga discloses wherein a HEAD request is submitted separately for each said inline document (Albers, col. 2, lines 11-55; col. 5, lines 24-54).

12. As to claim 7, Albers-Tso-Toga discloses wherein said GET request is submitted selectively only for those inline documents having data parameters within said user parameters (Tso discloses that when network client 3 requests a hyperlink object, HTTP remote proxy 6 uses either GetObject() or GetScaledObject() call (depending on the network client 3 is capable of receiving scaled data types) to retrieve the hypertext object from encode manager 7, col. 9, lines 3-7; col. 6, lines 36-44); (Albers, Fig. 10; col. 8, lines 8-40).

13. As to claim 8, Albers-Tso-Toga discloses said data parameters include a maximum data size and a minimum data size acceptable to said user (Tso discloses that window 14 enables the user to change his or her preference as to whether scaled or original content is desired, col. 12, lines 20-22; Albers, Figs. 4-10; col. 5, lines 6-67; cols. 6-7, lines 1-67; col. 8, lines 1-40).

14. As to claim 9, Albers-Tso-Toga discloses, responsive to said data file parameters not being within said user data parameters, comprising the further step of providing to said user the option of modifying said user data parameters (Albers, Figs. 4-10; col. 5, lines 6-67; cols. 6-7, lines 1-67; col. 8, lines 1-40).

15. As to claim 10, Albers-Tso-Toga discloses, responsive to said data file parameters not being within said user data parameters, comprising the further step of

Art Unit: 2142

providing to said user the option of requesting a portion of said data file (Albers, Figs. 4-10; col. 5, lines 6-67; cols. 6-7, lines 1-67; col. 8, lines 1-40).

16. Claims 11, 12 recite a server system corresponding to the method of operations of claim 1. The server system claimed is obvious in that it simply follows the logical implementation of using the method indicated in the referenced claims to implement each of the functional operations of the operating server responsive to a request for data from a client browser which results from the reference discussed above regarding the claims to the method. Thus the server system described in claim 11, 12 would have been obvious in view of the elements provided in the references that correspond to the steps implemented in the method for the same reason discussed above regarding claim 1.

17. Claim 13 recites a system (a client browser) corresponding to the method of operations of claim 2. The system claimed is obvious in that it simply follows the logical implementation of using the method indicated in the referenced claims to implement each of the functional operations of the operating client browser for requesting a data file from a server which results from the reference discussed above regarding the claims to the method. Thus the system described in claim 13 would have been obvious in view of the elements provided in the references that correspond to the steps implemented in the method for the same reason discussed above regarding claim 2.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Albers-Tso-Toga** in view of well known features of using computer program product stored on a computer readable medium.

20. As to claim 14, Albers-Tso-Toga discloses a program storage device readable by a machine tangibly embodying a program of instructions executable by a machine to perform method steps as of claim 2.

The Examiner takes **Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a computer readable medium for the storing and execution of the method and apparatus in order to a Form on the network. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the procedures of server operations because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art (Albers, cols. 1-24).

Art Unit: 2142

21. As to claim 15, Albers-Tso-Toga discloses, an article of manufacture, tangibly embodying a program of instructions executable by a machine to perform method steps as of claim 2.

The Examiner **takes Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a program storage device readable by a machine for storing and execution of the method and system in order to adjust web display. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the procedures of client browser's operations because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art (Albers, cols. 1-24).

22. As to claim 16, Albers-Tso-Toga discloses, a computer program element for operating a client browser for requesting a data file from a server to perform method steps as of claim 2.

The Examiner **takes Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a program storage device readable by a machine for storing and execution of the method and system in order to adjust web display. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the procedures of client browser's operations because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art (Albers, cols. 1-24).

Art Unit: 2142

23. As to claim 17, Albers-Tso-Toga discloses, a program storage device readable by the machine, tangibly embodying a program of instructions executable by a machine to perform method steps as of claim 1.

The Examiner takes Official Notice (see MPEP 2144.03) that it is well known in the networking art to utilize a program storage device readable by a machine for storing and execution of the method and system in order to serve web browser users' requests. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the computer programs of server operations because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art (Albers, cols. 1-24).

Conclusion

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 7:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800/4700.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20131

or faxed to:

(703) 746-7239, (for **formal communications**; please mark
"EXPEDITE PROCEDURE").

or:

(703) 746-7240 (for **informal or draft communications**, please
label "PROPOSED " or "DRAFT").

Or:

(703) 746-7238 (for After Final communications).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Hai V. Nguyen
Examiner
HN

KENNETH R. COULTER
PRIMARY EXAMINER
Kenneth Coulter